

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 740, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On or about January 29, 1910, the Shepard Baking Powder Company, a corporation, St. Louis, Mo., shipped from the State of Missouri into the State of Michigan a consignment of a food product labeled: (on bottle) "Shepard's Economical Brand Extracts. Vanillin vanilla flavor sugar color. Serial No. 11648. Manufactured by Shepard Baking Powder Company, St. Louis." (On carton) "Shepard's Economical Brand Extracts. Guaranteed economical. Vanillin vanilla flavor sugar color. Serial No. 11648. We guarantee under the Food and Drugs Act of June 30, 1906. Manufactured by the Shepard Baking Powder Company, St. Louis, Mo. Shepard's for quality. Shepard's Economical Flavoring can be secured in the following flavors; vanilla, strawberry, orange, pineapple, lemon, raspberry, almond, banana. Fruit coloring perfectly harmless Shepard's Vanilla." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain vanillin per 100 cc 0.240 gram, coumarin per 100 cc 0.032 gram, alcohol by volume 7.40 per cent, and caramel color. As the findings of the analyst and report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Shepard Baking Powder Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said Shepard Baking Powder Company, Incorporated, charging the above shipment and alleging that the product so shipped was adulterated in that the liquid contained in said bottles

was not vanillin vanilla flavor; that it contained but little extract from the vanilla bean; that said liquid was a highly dilute alcoholic solution of vanillin and coumarin containing but little extract from the vanilla bean, and that in the manufacture of said liquid a highly dilute alcoholic solution of vanillin and coumarin containing but little extract from the vanilla bean had been substituted for the article described upon the label thereof, and that the liquid contained in said bottles had been mixed and packed with a highly dilute alcoholic solution of vanillin and coumarin so as to reduce and lower and injuriously affect its quality and strength; and further alleging the product to be misbranded in that the liquid contained in said bottles was not vanillin vanilla flavor and was not vanilla flavor, but was a highly dilute alcoholic solution of vanillin and coumarin containing but little extract from the vanilla bean, and was an imitation and offered for sale under the distinctive name of another article, and that the words "Shepard's Vanilla," appearing upon the top and bottom of the carton containing said bottles, and the words "vanillin vanilla flavor," appearing upon the front and back of said cartons and upon the bottles, were false and misleading, as said bottle contained little or no extract from the vanilla bean; in that said bottles were so branded as to deceive and mislead the purchaser, and to lead the purchaser to believe that the article contained in said bottles was a genuine vanilla flavor containing a substantial amount of extract from the vanilla bean, when in truth and in fact said liquid was an imitation vanilla flavor containing little or no extract from the vanilla bean.

On November 7, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$20 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *January 27, 1911.*